

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38462 of 2023

Arising Out of PS. Case No.-12 Year-2021 Thana- C.B.I CASE District- Patna

SHASHI BHUSHAN KUMAR SON OF LATE DWARIKA PRASAD
RESIDENT OF VILLAGE- CHANDPUR BELA ANIL BHAWAN LANE,
GPO PATNA, PS- PHULWARI, DISTT- PATNA

... .. Petitioner/s

Versus

THE CENTRAL BUREAU OF INVESTIGATION BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Yogesh Kumar, Adv.
For the Opposite Party/s :	Mr. Nivedita Nirvikar, APP.
For C.B.I. :	Mr. Avanish Kumar Singh, Adv., S.P.P.
	Mr. Ambar Narayan, Adv.
	Mrs. Barkha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2023 Heard the parties.

2. Petitioner apprehends his arrest in connection with CBI, ACB Patna Case No. 12(A)/2021-Pat, registered for the offence punishable u/s 120B, 420, 468, 471 of the IPC, and later on, charge sheet has been submitted u/s 420 & 468 of the Indian Penal Code.

3. Allegedly, petitioner, along with other accused persons, is said to have committed cheating with the innocent people on false promise of getting them job in Railway and also gave them fake appointment letters. The complaint was verified by CBI and the allegations were found true. It is further alleged that during investigation, it is revealed that petitioner had cheated at



least 12 persons including informant for an amount of Rs. 45,60,000/-. After thorough investigation, the CBI has submitted charge sheet in this case under Section 420 and 468 of IPC against the petitioner.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due ulterior motive. He has no concern with the alleged occurrence. It is further submitted that from perusal of the impugned order, it is quite clear that petitioner was ready to refund the amount to the complainant Amit Kumar in installments but even after issuance of notice, he chose not to appear before the Court which shows mala fide intention and ulterior motive of the complainant. He further submits that petitioner has given full co-operation in investigation. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Per contra, learned APP for the State as well as learned counsel for CBI vehemently opposing the bail petition submitted that the allegations levelled against the petitioner is serious in nature, hence he does not deserve anticipatory bail.

6. Considering the facts and circumstances of case as



well as nature of the offence, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. However, if petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order in accordance with law without being prejudiced by this order on the very date of surrender.

(Anjani Kumar Sharan, J)

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